

SELF SERVICE CENTER

PROCEDURES: WHEN AND HOW TO FILE PETITION FOR APPROVAL OF FINAL ACCOUNTING, AND APPROVAL OF FEES (if applicable)

WHEN TO FILE THE PETITION FOR APPROVAL OF FINAL ACCOUNTING, DEED OF DISTRIBUTION and/or FEES. Follow the instructions below to find out what forms you need to fill out and how often you must fill out the forms.

- ✓ **Petition for Approval of Accounting:** At the end of the case, prior to closing the case, you **may** file a Petition to ask the court to approve how the estate was managed. You are not required to file a Petition for Approval of Accounting, but you can file this Petition if you want the court to do a formal closing, or if you have some accounting or distributions issues that you want the court to resolve. To help you complete the Petition, you should read and follow the ACCOUNTING GUIDELINES in the instruction packet.
- ✓ **Deed of Distribution:** The Deed of Distribution **must** be used to transfer any real estate/real property. After all claims have been settled and you are ready to transfer the property to someone, you need to fill out the Deed of Distribution and mail a copy to all interested persons. File the original Deed with the Probate Registrar, and obtain two certified copies--one for your file and one to record with the County Recorder.
- ✓ **Fee Statement:** If you or anyone else is charging fees to the estate, the Petition must also include a request for approval of the Fee Statement, and attach a copy of the Fee Statement.

HOW TO FILE THE PETITION FOR APPROVAL OF ACCOUNTING OR FEES if you choose to file this document. Remember you do not have to file this document unless you want to see the judge regarding some accounting issues.

STEP 1 COMPLETE THE PETITION FOR APPROVAL OF ACCOUNTING AND/OR FEES:

Complete the Petition, the Accounting and the Account Summary. If you are claiming fees, you must also complete the Fee Statement.

STEP 2 COPIES: Make copies of all of the documents: one set for you, one set for the court accountant, and one set for each of the interested parties.

STEP 3 FILE THE DOCUMENTS WITH THE COURT: File the original with the Probate Clerk of Court. Go to the same court location where your case is pending (Phoenix or Mesa). Bring the extra copies of the Petition, the Accounting, and the Fee statement (if applicable) for the Clerk to stamp for you. The Probate Clerk of the Court will keep the original for the Court file and a copy for the Court Accountant. The Probate Clerk will give the copies for you and the other interested parties back. You can also mail the documents to the Probate Clerk at the same location where your case is pending.

Phoenix Location

Superior Court of Arizona in Maricopa County
Clerk of the Court - Probate
125 West Washington
Phoenix, Arizona 85003

Mesa Location

Superior Court of Arizona in Maricopa County
Clerk of the Court - Probate
222 East Javelina Drive
Mesa, Arizona 85210

After the Court Accountant completes a review of your case, you will receive a written notice from the Court. You will receive one of two possible notices:

Notice 1: You will be asked to file a **Response to the Court Accountant Report** if the Court Accountant has concerns about the report. If you are required to file a Response to the Court Accountant Report, you must send a copy of the Response to Court Accountant Report to the same people entitled to receive the Notice of Hearing (notice is explained below). Bring the original plus at least four (4) copies to the Probate Clerk of the Court for filing and distribution of copies in the same manner explained above.

OR

Notice 2: If the Court Accountant does not have concerns and recommends approval of your Accounting, the Court will set a non-appearance hearing and will notify you by mail of the date, time, place, and Commissioner assigned to your case for the non-appearance hearing. (In some cases, the Court may set a hearing and require you to file a **Response to Court Accountant Report**.)

STEP 4 GIVE NOTICE OF THE “NON-APPEARANCE” HEARING TO EVERYONE

ENTITLED TO NOTICE: After you receive the information about the date, time, and place of the “non-appearance” hearing, you must give notice to all interested persons. Be sure that you do this at least 14 days before the hearing. You do not need to give formal notice by personal service, but **you do need to mail or deliver the Notice of Hearing and a copy of the Accounting to the other interested parties**. First class postage-prepaid mail is sufficient. Certified or Registered mail is an extra step you can take to prove that the person you want to have notice did get the notice.

STEP 5 Give copies of everything to the Commissioner: At least 10 days before your non-appearance hearing, mail or hand-deliver the following documents to the commissioner who is hearing your case. All the copies must be the ones that you had stamped by the Clerk of Court when you filed the original:

- ◆ Copy of Notice of Hearing
- ◆ Copy of Proof of Notice
- ◆ Original and 2 copies of the Order Regarding Petition for Approval of Accounting.
- ◆ Copy of the Petition for approval of accounting.

You do not need to come to the “non-appearance” hearing. The purpose of a “non-appearance” hearing is to give persons who object to the paperwork the opportunity to let the Judge or Commissioner know they have an objection. So, if someone shows up at the scheduled “non appearance hearing”, the Court will reset the hearing for a new date, time and place. You will get notice of the new hearing date in the mail from the Court. If you receive a new hearing date, you must go to the hearing.

Court approval of the annual accounting and fees is required. At or after the “non-appearance” hearing date, the Judge or Commissioner will decide whether to approve the petition, or ask you to give additional information. If the petition is not approved, be sure to follow the instructions on the court order you receive from the Judge or Commissioner.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys”. Also, the Self-Service Center has a list of lawyers who will help you help yourself.